THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19765 OF 2005

Dated 8th September 2005

Between:

M.Laxmi W/o. Late M.Murali, 40 years,

R/o.Gopalaraopet, Ramadugu Mandal,

Karimnagar District.

…Petitioner

And

The APSRTC,

rep.by its Managing Director & another

…Respondents

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O R D E R:

The husband of the petitioner was employed as a conductor in APSRTC. He died on 27.12.1998. Thereupon, the petitioner submitted an application on 5.7.1999, with a request to provide her appointment, on compassionate ground. The application was rejected by the second respondent on 28.11.2000, on the ground that the petitioner did not hold the requisite qualifications. She was advised to make an application, for grant of additional monetary benefit, in lieu of employment. Petitioner submitted such an application on 15.12.2004. The second respondent rejected that application, through his order dated 23.12.2004, on the ground that it was not filed within the stipulated time. Petitioner challenges the same.

Heard the learned counsel for the petitioner and learned Standing Counsel for the Corporation.

The respondents formulated a scheme for providing compassionate appointment, in case an employee dies in harness. Providing such employment is subject to certain conditions. Petitioner could not get such a benefit, on account of the fact that she was not qualified to hold any post. The Respondents had formulated a scheme for extending additional monetary benefit, in lieu of compassionate appointment. In fact, the petitioner was informed, through a letter dated 28.11.2000, that she can avail that benefit, inasmuch as she is ineligible to be provided compassionate appointment.

Being a widow of a deceased employee, the petitioner had to depend on the assistance and advice of others. She could not make up her mind, in the matter of pursuing the claim of compassionate appointment for herself, or her children, or to avail the additional monetary benefit. In this process, there was some delay, and she submitted an application on 15.12.2004, with a request to extend the monetary benefit. The only ground, on which the second respondent rejected the application of the petitioner, is that it was belated.

Once the scheme formulated by the respondents provide for extension of additional monetary benefit, the fact that the application was made, with a semblance of delay, cannot constitute the basis for rejection of the same. It should not be forgotten that the petitioner has been prosecuting her remedies, in one form or the other. Further, it is not as if the Corporation had suffered any loss, or detriment, on account of the belated submission of the application by the petitioner. On the other hand, they had the advantage of utilizing the amount, which was otherwise payable to the petitioner.

For the foregoing reasons, the writ petition is allowed, and the second respondent is directed to extend the additional monetary benefit to the petitioner,

within a period of eight weeks, from the date of receipt of a copy of this order. It is made clear that the petitioner shall not be entitled for any interest, on the amount payable to her. There shall be no order as to costs.

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8th September 2005

Note: Issue C.C. by Monday.

(B/o)

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